

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

In Re:

CASE NO. 09-28266-SVK

DOMINIC E. BOYI,

CHAPTER 13

Debtor.

STIPULATION TO CURE ARREARAGES AND GRANTING U.S. BANK NATIONAL  
ASSOCIATION, AS ASSIGNEE OF MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC., ACTING SOLELY AS NOMINEE FOR U.S. BANK, N.A.  
ADEQUATE PROTECTION AND MODIFYING THE AUTOMATIC STAY

WHEREAS, Dominic E. Boyi (hereinafter "Debtor") filed for relief under Chapter 13 of  
the U.S. Bankruptcy Code (11 U.S.C. Section 101 et seq.) on June 10, 2009, and Mary B.

Grossman is the Chapter 13 Trustee; and

WHEREAS, this Court has jurisdiction over this proceeding under 28 U.S.C. §§ 1334  
and 157, and the Order of Reference of The District Court; this is a core proceeding under 28  
U.S.C. § 157; and venue in this Court is proper under 28 U.S.C. § 1409; and

WHEREAS, this Stipulation is brought pursuant to Bankruptcy Code § 362 and Federal  
Rules of Bankruptcy Procedure 4001, 6007 and 9014; and

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Whereas, U.S. Bank National Association, as assignee of Mortgage Electronic Registration Systems, Inc., acting solely as Nominee for U.S. Bank, N.A. (hereinafter "Creditor") filed its Notice of Motion and Motion for Relief from Automatic Stay (hereinafter the "Motion") with the Bankruptcy Court on February 23, 2010; and

WHEREAS, Debtor filed an objection to the Motion (hereinafter the "Objection") dated March 8, 2010; and

WHEREAS, the Debtor owes, as of March 15, 2010, the following post-petition arrearages, which were to be paid outside the Chapter 13 Plan:

Four (4) payments @ \$473.36 each (12/2009 – 03/2010)	\$1,893.44
Attorney Fees	\$ 700.00
Attorney Costs	\$ 150.00
Total:	\$2,743.44

IT IS HEREBY STIPULATED AND AGREED, by and between the Debtor and Creditor, as follows:

1. Creditor (or its principals, successors or assigns) shall be entitled to file a supplemental claim for the remaining post-petition arrearages in the sum of \$2,743.44 (the "Supplemental Claim") to be paid through the Chapter 13 Plan.
2. The Debtor agrees to pay the Supplemental Claim through the Plan.
3. To provide adequate protection of the interests and liens in and against the real estate and improvements, commonly known as 6041 West Port Avenue, G, Milwaukee, Wisconsin 53223 (herein referred to collectively as the "Collateral"), described in the loan and security documents (herein the "loan documents") described in Creditor's Motion on file with the Court, the Debtor shall continue to make post-petition mortgage payments outside the

Chapter 13 Plan in the amount of \$473.36 per month (monthly payment amount may change from time to time in accordance with the terms of loan documents), starting with the April payment. The April and all future payments must be received on or before the 15<sup>th</sup> day of each month, at the following address (unless Creditor in writing directs the Debtor to deliver payment to a different address):

U.S. Bank, National Association  
c/o U.S. Bank Home Mortgage  
4801 Frederica Street  
Owensboro, KY 42301

4. As additional adequate protection, Debtor agrees to a "doomsday provision", providing that, in the event the Creditor does not receive any required payment on or before the 15<sup>th</sup> day of each month in the amount of \$473.36 per month (monthly payment amount may change from time to time in accordance with the terms of loan documents), beginning with the April 1, 2010 payment, the automatic stay will be terminated upon the occurrence of all of the following: (1) the Creditor (or its principals, successors or assigns) filing with the Court written confirmation of the missed payment(s); (2) counsel for the Creditor (or its principals, successors or assigns) filing with the Court a proposed Order terminating the stay; (3) counsel for the Creditor (or its principals, successors or assigns) promptly mailing to the Debtor and to counsel for the Debtor at their last known addresses a copy of the notice of payment default and proposed Order filed with the Court; and (4) the Court signing the proposed Order terminating the automatic stay. This doomsday provision shall be effective for a period of six (6) months from, and including, the April payment and continuing through, and including the September payment.

5. As additional Adequate Protection, Creditor (or its principals, successors or assigns) can renew this Motion by letter for the balance of the Chapter 13 Plan term.

6. The individuals signing this Stipulation hereby represent that they have full authority to execute this Stipulation on behalf of their respective clients.

7. The Debtor and Creditor understand that this Stipulation is not effective until approved by Order of the Bankruptcy Court.

8. This Stipulation may be signed in counterparts and copies may be used instead of originals. The executed counterparts shall be construed as and constitute one document.

9. The Debtor and Creditor agree that any Order granting a Motion for Relief from Automatic Stay is not subject to the fourteen (14) day stay referenced in Federal Rule of Bankruptcy Procedure 4001(a)(3).

10. Creditor's law firm is a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose.

Dated: April 12, 2010.

Dated: 4/14/10

LAW OFFICE OF TIMOTHY R. HALL  
Attorneys for Debtor

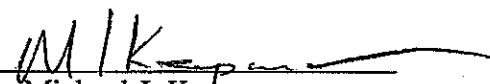
By:   
Timothy R. Hall

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Dated: \_\_\_\_\_

Dated: 4/20/2010

KOHNER, MANN & KAILAS, S.C.  
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By:   
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CHAPTER 13 TRUSTEE

By: 

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Telephone: (414) 271-3943

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